

U.S. Patent Appln. No. 09/919,391
Amendment Dated Dec. 19, 2005
Reply to Office Action of Oct. 19, 2005
Docket No. BOC9-2000-0084 (219)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the office action dated October 19, 2005 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fee is believed due.

In the Office Action, Claims 16-18 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,818,920 to Rignell, *et al.* (hereinafter Rignell). Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of U.S. Patent Number 6,574,486 to Labban (hereinafter Labban). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of U.S. Patent Number 5,818,920 to Moon, *et al.* (hereinafter Moon).

Claim 17 has been amended to address the issue of double patenting raised at page 2 of the Office Action. Applicants respectfully submit that, as amended, Claim 17 avoids any construction that could make the claim duplicative of Claim 18. Withdrawal of the objections to Claims 17 and 18 is therefore respectfully requested.

Applicants have amended independent Claims 1, 4, 8, 9, 12, and 16 to emphasize certain additional aspects of Applicants' invention. The claim amendments are supported throughout the Specification and do not introduce new matter. (See, e.g., Specification, p. 3, line 10 – p. 4, line 7; and p. 9, lines 9-21.)

I. Applicants' Invention

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention,

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typified by independent Claim 1, as amended, is a method for providing message recipient local information. The method can include identifying an attempt to send a mobile message from a sending party to a receiving handheld device of a receiving party. The method also can include determining information local to the receiving party in response to identifying such an attempt.

The location information, more particularly, can indicate whether the receiving party is not to be disturbed. (See Specification, p. 3, line 20 - p. 4, line 7; see also p. 9, lines 4-8.) This capability would benefit, for example, a message receiving or called party who, during a specified time, anticipates being in a meeting and does not wish to be disturbed except in the event of an emergency. (See, e.g., p. 6, lines 5-13.)

According to one embodiment, the determined local information pertaining to whether the received party should not be disturbed is provided to the sending party. The method can further include, however, that in the event of an emergency, the receiving party can be alerted. Specifically, the method can include sending an alert signal to the receiving handheld device of the receiving party if the message is indicated as urgent by the sending party. (See Specification, p. 6, line 7-8; p. 10, lines 6-8; and p. 11, lines 5-8.)

II. The Claims, As Amended, Define Over The Prior Art

As already noted, independent Claims 1, 4, 8, 9, and 12 were rejected as being unpatentable over Rignell in view of Labban. Independent Claim 16 was rejected as being anticipated by Rignell. In response, Applicants respectfully assert that neither Rignell nor Labban, alone or in combination, teaches or suggests every feature recited in independent Claims 1, 4, 8, 9, 12, or 16, as amended.

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Rignell is expressly directed to preventing the connection of calls forwarded from one communication terminal to another when the new communication terminal is in a new time zone. (Col. 2., lines 38-44 and Col. 3, lines 15-27; see also Abstract.) Different operational aspects of the Rignell method and system are described. (See, e.g., Col. 3, lines 28-50; Col. 3, line 51 - Col. 4, line 6; Col. 5, lines 26-50; Col. 6, lines 1-44.) According to one embodiment of Rignell, information indicating the time zone in which a called party who has forwarded calls to a new terminal is currently located is provided to a calling party. The calling party in Rignell, based on learning that the call has been forwarded and that the terminal to which the call has been forwarded is in a different time zone, can decide whether to continue attempting to place the call. In an alternative embodiment, a service provider, having learned that the calling party has forwarded calls to a new terminal, automatically decides whether to connect a calling party depending on the time zone in which the new terminal is located.

Rignell, however, nowhere teaches obtaining or providing information that indicates whether a particular receiving party that a sending party is attempting to reach is not to be disturbed. Instead, according to the various operative aspects of Rignell, the only determination made, and accordingly the only information provided to a calling party, is whether a terminal to which the called party has forwarded all calls is located in a time zone different than the one from which the calls are forwarded.

Thus, whether made automatically or volitionally by the calling party, the decision not to connect the calling party to the called party is made strictly on the basis of the time zone difference between a new terminal and old terminal from which calls are forwarded. No information indicating whether a particular receiving party is not to be disturbed is obtained or used for determining whether to send a message through or connect with a receiving party, as recited in each of the amended independent claims.

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Labban similarly does not obtain, provide, or otherwise utilize information that indicates whether a called or message-receiving party is not to be disturbed. Indeed, Labban does not address any mechanism, automatic or volitional, for preventing calls or messages from getting through to a receiving party based on whether the called or receiving party should not be disturbed. Labban is exclusively focused on providing a wireless communication device user the capability of "selecting among calling options." (Col. 2, lines 5-11; see also Abstract.) The options include originating a call billable to a calling card account, originating a call using a paging service, and originating a call using a text message facility. Nowhere, however, does Labban address obtaining or providing information that can be used, automatically or volitionally, to prevent calls or messages from disturbing a receiving party, as recited in each of the amended independent claims.

Rignell and Labban are each equally silent about alerting a receiving party, who may otherwise not wish to be disturbed, in the event of an emergency. Neither reference, alone or in combination, teaches or suggests the sending of an alert signal to a receiving handheld device of a receiving party if the message is indicated as urgent by a sending party, as further recited in each of the amended independent claims.

Accordingly, neither Rignell nor Labban, alone or in combination, teaches or suggests every feature recited in amended independent Claims 1, 4, 8, 9, 12, and 16. Applicants, therefore, respectfully submit that independent Claims 1, 4, 8, 9, 12, and 16, as amended, define over the prior art. Applicants further respectfully maintain that whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, the dependent claims likewise define over the prior art.

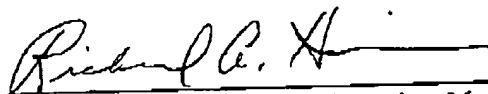
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CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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